

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

V.

No. 4:20-CR-00098-10 JM

KELBY SHANE EPPERSON

ORDER

Defendant's Motion to Reduce Sentence (Doc. No. 532) is DENIED for a few reasons.

First, Amendment 829 is not retroactive.¹

Second, as discussed in the February 26, 2024 Order, Amendment 821 does not lower Defendant's criminal history category or guideline range.²

Third, Defendant's plea agreement "waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2)"³ Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief.⁴

IT IS SO ORDERED this 8th day of December, 2025.


UNITED STATES DISTRICT JUDGE

¹ See U.S.S.G. § 1B1.10(d).

² Doc. No. 483. See U.S.S.G. § 1.10(a)(2) ("Exclusions.—A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant's applicable guideline range.").

³ Doc. No. 286.

⁴ *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582 (c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).